

REMARKS

Claims 1-25 are all the claims pending in the application. No claims are amended or cancelled.

Specification

The Examiner objects to the Abstract because it is more than one paragraph in length. Applicants have amended the Abstract in order to remove this basis for objection.

Claim Rejections under 35 USC § 112

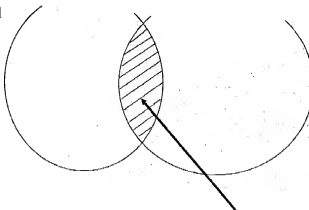
The Examiner rejects claims 2 and 4 as being indefinite. This rejection is traversed for at least the following reasons.

First, Applicants respectfully submit that claim 4 does not recite any combination of weight percent and mole percent. Thus, the rejection is overcome.

Second, as to claim 2, the Examiner notes that "The use of mixed weight percent and mole percent range in the claims does not allow for one of ordinary skill in the art to derive the ranges of the other essential and optional components or to understand the scope of the claim as a whole."

However, Applicants would disagree on the basis illustrated by the following drawing in which the relation of claims 1 and 2 is shown. Claim 2 claims the scope of claim 1 in part, as evidenced by the shaded area in the drawing.

Scope of Claim 1
(molar %)



Scope claimed in claim 2 (wt %)
overlapping claim 1

As shown in Table 1 of the Specification, it is actually possible to prepare the glass satisfying the requirements defined in both claims 1 and 2 (for example, Glass No. 11), and the glass satisfying the requirement defined in claim 1 but not satisfying the requirement defined in claim 2 (for example, Glass No. 12). Therefore, the definition using both molar percentage and weight percentage does not make claims unclear

Claim Rejections under 35 USC § 103

Claims 1-25 are rejected under 35 USC §103(a) as being unpatentable over Kasuga et al. (U.S. Patent 7,157,391). This rejection is traversed for at least the following reasons.

Applicants respectfully submit that Kasuga et al., which was patented on January 2, 2007 and was published on July 15, 2004, is not available as a reference only under 35 U.S.C. §102(a) or (b), since the present application has a Japanese priority date of April 18, 2003. Further, that effective priority date is prior to the U.S. filing date of Kasuga et al, namely December 24, 2003. Thus, the reference is not available as prior art under Section 102.

Moreover, Applicants respectfully note, as reflected in MPEP 2146, that the reference cannot be applied under 35 U.S.C. § 103(c) because the subject matter of Kasuga et al and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. Specifically, Hoya Corporation is identified on the face of Kasuga et al as the assignee, and Applicants have assigned their rights to Hoya Corporation, as recorded at reel 016385, frame 0537.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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